

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TRUDY J. SALLEY,

Plaintiff,

vs.

TRUCKEE MEADOWS WATER
AUTHORITY, et al.,

Defendants.

3:12-cv-00306-RCJ-WGC

ORDER

This civil rights case arises out of the allegedly discriminatory and retaliatory termination of a public employee. On October 30, 2013, the Court dismissed the action with prejudice for lack of a legally operative complaint and for Plaintiff's violations of the Court's orders. (Order, ECF No. 48). Specifically, the Court denied Plaintiff's untimely motion for a retroactive enlargement of time to file her proposed second amended complaint ("SAC") and granted Defendants' motion to strike it, reasoning: (1) that Plaintiff's counsel had shown complete and unjustified disregard for an explicit, court-imposed deadline to file the second amended complaint; and (2) that Plaintiff's repeated failures to file a proper complaint "needlessly consumed costly judicial resources" and forced Defendants to "repeatedly fil[e] motions on matters that Plaintiff should have resolved long ago." (*Id.*).

Pursuant to 42 U.S.C. § 1988 and 42 U.S.C. § 2000e-5(k), Defendants now move for a discretionary award of \$39,618.75 in attorney fees, arguing that: (1) Plaintiff's complaint was meritless from the outset; and (2) Plaintiff continued to litigate this case even after it was clear that her claims were baseless. (*See* Mot. Att'y Fees, ECF No. 50, at 8–12). Plaintiff has

1 responded in a two-page brief, contending that “[a] failure to adequately plead a claim does not
2 equate with an inability to prove a claim.” (Opp’n, ECF No. 55, at 1). After the response was
3 filed, however, Plaintiff’s counsel, Attorney Dickerson, was suspended from practice by the
4 Nevada Supreme Court. Therefore, Plaintiff is presently without representation.

5 While the Court is inclined to entertain Defendants’ well supported motion, it cannot hold
6 a seemingly necessary hearing until Plaintiff is represented. Accordingly, the Court will deny the
7 motion for fees without prejudice and give Plaintiff sixty (60) days to associate substitute
8 counsel or inform the Court that she will proceed pro se, at which point Defendants may refile
9 their motion.
10

11 **CONCLUSION**

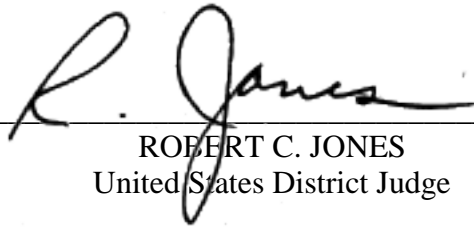
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13 IT IS HEREBY ORDERED that Defendants’ motion for attorney fees (ECF No. 50) is
14 DENIED without prejudice.

15 IT IS FURTHER ORDERED that within sixty (60) days of the entry of this order into the
16 electronic docket, Plaintiff shall either (1) associate substitute counsel, or (2) inform the Court
17 that she will proceed pro se.
18

19 IT IS FURTHER ORDERED that after Plaintiff associates substitute counsel or informs
20 the Court that she will proceed pro se, Defendants may refile their motion for attorney fees.

21 IT IS SO ORDERED.
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24 Dated: July 23, 2014

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27 ROBERT C. JONES
28 United States District Judge